

Revenue Information Bulletin No. 16-006-A
June 23, 2016
Individual Income and Corporation Income Taxes

Guidance for Transferring Motion Picture Investor Tax Credits back to the State

Act 134 of the 2015 Regular Session of the Louisiana Legislature established a one-year moratorium on the transfer of credits back to the state for eighty-five cents on the dollar (“sell-backs”). The moratorium commenced on July 1, 2015 and will terminate on June 30, 2016. (*See* La. R.S. R.S. 47:6007(C)(4)(f)(v)). The purpose of this Revenue Information Bulletin is to provide guidance to those taxpayers transferring motion picture investor tax credits back to the state.

The credits are required to be granted based on a first-come, first-served basis as determined by the received date of the taxpayer’s Louisiana income tax return or either Form R-6140 or Form R-6170 (hereinafter “form(s)”) where applicable. All credits utilized pursuant to La. R.S. 47:6007 will not be considered received for purposes of the first-come, first-served requirement until all supporting documentation and applicable fees are received.

In the event the aggregate total of credits utilized in any particular Fiscal Year exceeds the amount authorized to be granted, the excess requests shall be treated as having been applied for on the first day of the subsequent year and the taxpayer may utilize such credits by either filing a timely original return or original form in the subsequent Fiscal Year, during which the taxpayer’s claim has priority.

Finally, all requests received on the same business day shall be treated as received at the same time, and if the aggregate amount of the requests received on a single business day exceed the total amount of available tax credits, tax credits shall be approved on a pro rata basis.

Claims or applications for transfers of tax credits to the office shall be allowed on a first-come, first-served basis. Any taxpayer whose claim for such transfer is disallowed due to the cap may transfer tax credits to the office the next fiscal year, and his transfer shall have priority over other transfers applied for after the date of his original claim or application for transfer.

Any taxpayer requesting a transfer of credits back to the state may do so by hand delivery of a completed Credit Utilization Form (R-6140), a copy of the Credit Registration Form (R-6135), and applicable transfer fee to LDR at 617 North Third Street between the hours of 8:00 a.m. and 4:30 p.m. Upon receipt of all the required documentation, the taxpayer will receive a date stamped receipt for purposes of the cap.

Please direct your questions concerning the contents of this Revenue Information Bulletin to TaxCredit.Registry@la.gov.

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Secretary

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